



Immingham Green Energy Terminal

9.15 Draft Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and the Health and Safety Executive (Tracked)

Infrastructure Planning (Examination Procedure) Rules 2010
Volume 9

July 2024

Version 2.0

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Version History

| <u>Version</u> | <u>Date</u> | <u>Submitted</u> |
|----------------|----------------------|-------------------|
| <u>1.0</u> | <u>13 March 2024</u> | <u>Deadline 1</u> |
| <u>2.0</u> | <u>11 July 2024</u> | <u>Deadline 5</u> |



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Status of the Statement of Common Ground

Associated British Ports, Air Products (BR) and the Health and Safety Executive agree, that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter.

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On Behalf of Associated British Ports

| | |
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| Name | [REDACTED] |
| Position | Project Development Manager |
| Organisation | Associated British Ports |
| Signature | [REDACTED] |

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On Behalf of Air Products

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| Name | [REDACTED] |
| Position | Commercial Director |
| Organisation | Air Products |
| Signature | [REDACTED] |

On Behalf of the Health and Safety Executive

| | |
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| <u>Name</u> | [REDACTED] |
| <u>Position</u> | <u>Acting Director of Chemicals</u> |
| <u>Organisation</u> | <u>Health and Safety Executive</u> |
| <u>Signature</u> | [REDACTED] |

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1 Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared to accompany an application made to the Secretary of State for Transport (the “Application”) under section 37 of the Planning Act 2008 (“PA 2008”) for a development consent order (“DCO”) to authorise the construction and operation of the proposed Immingham Green Energy Terminal (“the Project”).
- 1.2 The Application is submitted by Associated British Ports (“ABP”), ABP was established in 1981 following the privatisation of the British Transport Docks Board. The **Funding Statement [APP-010]** provides further information on ABP as the Applicant.
- 1.3 The Project as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(c) of the PA 2008.

The Project

- 1.4 ABP is seeking to construct, operate and maintain the Project, comprising a new multi-user liquid bulk green energy terminal located on the eastern side of the Port of Immingham (the “Port”).
- 1.5 The Project includes the construction and operation of a green hydrogen production facility, which would be delivered and operated by Air Products (BR) Limited (“Air Products”). Air Products will be the first customer of the new terminal, whereby green ammonia will be imported via the jetty and converted on-site into green hydrogen, making a positive contribution to the United Kingdom’s (“UK’s”) net zero agenda by helping to decarbonise the UK’s industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in Environmental Statement (“ES”) Chapter 2: The Project [REP3-022]. The hydrogen production facility will require hazardous substance consent and includes a number of major accident hazard pipelines. Any notifications made under Pipeline Safety Regulations have been submitted in line with regulatory requirements and do not form part of the Application

Parties to this Statement of Common Ground

- 1.7 This SoCG has been prepared by (1) ABP (as the Applicant), (2) Air Products and (3) The Health and Safety Executive (“HSE”).
- 1.8 ABP is the promoter of the Project and the owner and operator of the Port of Immingham.
- 1.9 Air Products is to be the first user of the new terminal with the construction and operation of its green hydrogen production facility.
- 1.10 HSE is Britain’s national regulator for workplace health and safety. It is an executive, non-departmental public body sponsored by the Department for Work and Pensions. HSE is a statutory consultee for all NSIPs in England, providing

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public safety advice. As set out in the Planning Inspectorate’s Advice Note Eleven: Working with public bodies in the infrastructure planning process, Annex G (specific to HSE’s role in NSIPs), the two main considerations for HSE in regard to NSIPs are:

- (a) Does the proposed development have the potential to cause a major accident, e.g. does the development require a hazardous substances consent, will it be within scope of the Control of Major Accident Hazards (“COMAH”), Regulations or could the development impact on a COMAH site?
- (b) Is the proposed development vulnerable to potential major accidents, e.g. is it within a consultation zone around a major hazard site or pipeline?

1.11 In this SoCG, ABP, Air Products and HSE are collectively referred to as “the Parties”.

Purpose and Structure of this Document

1.12 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority in its consideration of the Application.

1.13 In preparing this SoCG, the guidance provided in Planning Act 2008: examination of application for development consent (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account. In addition, this SoCG has had due regard to the Examining Authority’s **Rule 6 letter [PD-005]**.

1.14 Section 1 of this SoCG provides a general introduction to the Project and to the Parties.

1.15 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the Parties to date.

1.16 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.

1.17 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:

- (a) Green – matter agreed,
- (b) Orange – matter ongoing,
- (c) Red – matter not agreed,

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2 Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP, Air Products and HSE up to the date of this SoCG in relation to the Project generally and concerning the matters raised in this SoCG specifically is presented in Table 2-1.
- 2.2 It is agreed by the Parties to this SoCG that Table 2-1 is an accurate record of the meetings and key correspondence between the Parties.

Table 2-1: Record of Engagement

| Date | Form of Contact | Summary with key outcomes and points of discussion |
|-------------------------------|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pre-application | | |
| 15 August 2022 | MS Teams: Initial Meeting | Introduction to Project; overview of ammonia storage tank design. Regarding possible hazardous substances consent ("HSC"), land use planning zones ("LUP") impacts. |
| 10 October 2022 | An Environmental Impact Assessment ("EIA"), Scoping Opinion was adopted by the Secretary of State | HSE was a consultee at EIA Scoping stage. HSE did not provide a response to the Planning Inspectorate at EIA Scoping stage. |
| October 2022 | MS Teams meeting | Request HSE review tank design in the context of COMAH. Presentation of Project and discussion on tank design. |
| 5 December 2022 | MS Teams meeting | Project update and follow up on design review requests. (HSE CEMHD7) |
| 9 January to 20 February 2023 | First Statutory Consultation on proposed DCO application | HSE was consulted by ABP as part of the First Statutory Consultation. |
| 17 February 2023 | HSE response to First Statutory Consultation | HSE provided their response to the First Statutory Consultation. The response noted that a Hazardous Substance Consent application would be made to North East Lincolnshire Council ("NELC") and it is through this process that HSE would provide its statutory advice. HSE also indicated that it expected Air Products would make a COMAH notification and provide a pre-construction safety report in due course. |

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| Date | Form of Contact | Summary with key outcomes and points of discussion |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 March 2023 | MS Teams meeting attendees from Air products and HSE | <ul style="list-style-type: none"> Project Overview Discussion on advance COMAH notification support Discussion on Ammonia Tank design COMAH application timing Requested feedback from HSE |
| 30 March 2023 | Hazardous substance consent application was submitted to NELC, validated on 5 April 2023 | NELC subsequently undertook public consultation on the Hazardous Substances Consent application and sought HSE advice. As a statutory consultee on the application NELC reference DM/0088/23/HS. |
| 5 April 2023 | COMAH notification was submitted to the HSE under COMAH Regulation 6: Notifications and acknowledgment letter received 12 July 2023 | |
| 24 May 2023 to 20 July 2023 | Second Statutory Consultation on proposed DCO application | HSE was consulted by ABP as part of the Second Statutory Consultation. |
| 13 June 2023 | HSE response to Second Statutory Consultation | HSE responded to the Second Statutory Consultation confirming their advice remained as per their response to the First Statutory Consultation and that they had no further comments to make. |
| 24 July 2023 | Major hazard pipeline notification was submitted to HSE via HSE portal, acknowledged by HSE | |
| Post DCO Submission | | |
| 25 October , 2023 | MS Teams meeting | <p>Topic: hazardous substance consent application DM/0088/23/HS.</p> <p>The Air Products team presented the full project and details of the hydrogen production facility scope along with key safety considerations and proposed mitigation. The HSE requested additional technical clarifications (see entry for meeting on 8 November 2023 where Air Products provided these clarifications).</p> |

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| Date | Form of Contact | Summary with key outcomes and points of discussion |
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| 08 November , 2023 | Email correspondence | <p>Topic → hazardous substance consent application DM/0088/23/HS.</p> <p>Technical notes and drawings addressing all points raised in the meeting on the 25 October 2023 were provided to HSE and discussed.</p> <p>No comments were received from HSE on the technical notes provided.</p> |
| 23 November , 2023 | MS Teams meeting | <p>To review DCO input required from HSE.</p> <p>To confirm HSE can move forward their advice on the Hazardous Substance Consent application. DM/0088/23/HS.</p> <p>Key outcomes:</p> <p>Meeting arranged with all key HSE and competent authority stakeholders on 11 December 2023.</p> <p>HSE indicated they do not sign up to Statements of Common Ground in connection with DCO applications and confirmed this is their position on the Project.</p> |
| 24 November | Email from HSE Land Use Planning Team, Bootle | <p>Informing that, for the Hazardous Substance Consent Application → DM/0088/23/HS → HSE has added the application to their queue and confirmed they would allocate an assessor no earlier than 22 February 2024.</p> |
| 11 December 2023 | In person and MS Teams hybrid meeting | <p>Topic covered were:</p> <ul style="list-style-type: none"> • Project update. • Application of COMAH. • <u>Competent Authority ("CA")</u>, expectations re COMAH and associated timings (the CA for the purposes of COMAH being the Environment Agency and HSE <u>acting jointly</u>). • Co-ordination <u>between COMAH Competent Authority Partners</u>, (HSE and Environment Agency) and with Air Products re COMAH, PSR, DCO, Hazardous Substance Consent application DM/0088/23/HS. • Roles, responsibilities and points of contact. • Key issues for Air Products and ABP: <ul style="list-style-type: none"> ○ Understanding information requirements of HSE / Environment Agency to undertake their evaluations and timescales for feedback. ○ Agreement / fixing of tank design, and other key design basis for example for pipelines as capital commitments are being made. |

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| | | <ul style="list-style-type: none"> ○ As far as possible alignment on DCO application approach. ● Familiarisation site visit to the proposed landside development location was conducted <p>Key outcomes</p> <ul style="list-style-type: none"> ● HSE and Air Products single point of contacts established. Formal COMAH preconstruction pre receipt meeting to be held end January 2024. |
| 29 January 2024 | MS Teams meeting | <p>Formal Pre-Construction Safety Report → Pre-receipt Meeting: Air Products, ABP and CA.</p> <p>Objective → CA and Air Products to reach agreement upon:</p> <ol style="list-style-type: none"> 1. The scope and depth of the safety report content required. 2. Expectation of how the content and any necessary supporting information will be presented in the report. 3. Timetable for submission of the safety report. 4. Method of submission. <p>Summary of meeting:</p> <p>ABP and Air Products provided an overview of the Project, the establishment and what makes it subject to COMAH Regulations.</p> <p>Details of any neighbouring establishments – including any potential domino effects.</p> <p>The legal rationale to be provided by Air Products for proposing that the terminal be considered as a single 'establishment' as defined by COMAH Regulations.</p> <p>CA Assessors reviewed expectations of the safety report in terms of the required content and shared the applicable assessment criteria and guidance.</p> <p>Agree Submission Date and a rolling submission approach.</p> <p>Dealing with Requests for Information and exclusions of information set out in Regulation 19(1) of the COMAH Regulations 2015.</p> <p>Outcomes:</p> <ul style="list-style-type: none"> ● Air Products to submit Pre-construction safety report at end of March or first week of April 2024. Submission date nominally set for 5 April 2024. |

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| | | <ul style="list-style-type: none"> For this safety report, the CA aims to have communicated the conclusions from its examination of the safety report within <u>three</u> months, but this timescale may be adjusted to suit its complexity. The CA may conclude the assessment report and provide Air Products with a 'Revision Plan', in doing so the CA would make arrangements to explain the basis for the revision plan and the requirements of it. Air Products to send address of establishment for processing (COMAH notification includes a grid reference number) [complete]. Air Products to formalise a request for engagement with HSE's Energy Division on pipeline design [received at time of writing]. Ongoing dialogue between operator (Matt Evans) and CIM (John Boyle) will be facilitated in anticipation of safety report submission [Ongoing]. |
| <u>8 February 2024</u> | <u>Email Air Products to HSE</u> | <u>Providing Air Product's rationale for treating the hydrogen production facility as one establishment under COMAH.</u> |
| <u>1 March 2024</u> | <u>Email Air Products to HSE</u> | <u>Draft SOCG sent</u> |
| <u>13 March 2024</u> | <u>MS Teams meeting</u> | <p><u>To discuss progress on the pre-construction COMAH safety report ("PCSR") submission and information required.</u></p> <p><u>It was agreed that Air Products would aim to submit the full pre-construction report submission by 30 April 2024.</u></p> <p><u>HSE are to advise whether the terminal is to be treated as a single establishment or not following PCSR submission and any changes to the structure will be addressed in the Pre-Operations Safety Report.</u></p> |
| <u>22 April 2024</u> | <u>Email Air Products to HSE</u> | <u>Draft SOCG sent</u> |
| <u>23 April 2024</u> | <u>Email from HSE to ABP</u> | <u>To confirm HSE view that the East and West Sites should be properly considered to form two separate</u> |

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| Date | Form of Contact | Summary with key outcomes and points of discussion |
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| | | <p><u>COMAH establishments rather than as the single establishment proposed by Air Products.</u></p> <p><u>In order for HSE to effectively regulate the pipeline connecting the East and West Sites it would be appropriate for this pipeline to be treated as a 'pipeline' under the meaning of the term applied to it by Regulation 3 of the Pipelines Safety Regulations 1996 (and referred to again within Regulation 2(1) of COMAH) rather than otherwise.</u></p> |
| <u>25 April 2024</u> | Email <u>Air Products</u> to HSE | <p>Providing <u>additional information on Air Products'</u> rationale for treating the hydrogen production facility as one establishment under COMAH <u>in response to HSE email.</u></p> <p><u>That the sites meet the definition of one establishment under COMAH and at the same time are separate 'premises' under the pipeline safety regulations and the pipeline would be regulated under this regime in any event.</u></p> |
| <u>30 April 2024</u> | Email HSE to Air Products | <u>Comments on SOCG</u> |
| <u>2 May 2024</u> | MS Teams meeting | <p><u>To further review if the East and West Sites should be properly considered to form two separate COMAH establishments or a single establishment</u></p> <p><u>Additional supporting information to be provided by Air Products.</u></p> <p><u>Agreement that in any event this does not impact the submission of the pre-construction safety report</u></p> |
| <u>7 June 2024</u> | Email Air Products to HSE | <u>Confirming upload of pre-construction safety report</u> |
| <u>10 June 2024</u> | Email HSE to Air Products | <u>Confirming receipt of pre-construction safety report</u> |
| <u>12 June 2024</u> | Email HSE to Air Products | <u>Request for information on HSC DM/0088/23/HS - Air Products BR, Immingham - Information required to progress HSE's required technical assessment</u> |
| <u>14 June 2024</u> | Email Air Products to HSE | <u>Confirming information for HSC will be submitted as requested</u> |
| <u>14 June 2024</u> | Email HSE to Air Products | <u>Request for information: Air Products- UK Pipelines including proposed IGET pipelines</u> |

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| <u>4 July 2024</u> | <u>Email Air Products to HSE</u> | <u>Clean copy of Deadline 5 SoCG provided to HSE for Sign Off</u> |
| <u>9 July 2024</u> | <u>Email HSE to Air Products</u> | <u>Signed copy of Deadline 5 SoCG returned by HSE</u> |

3 Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that the record of engagement included in the **Consultation Report [APP-022]** submitted with the Application, accurately sets out the consultation and engagement undertaken between the Parties in relation to the Application. In particular, the following chapters are of relevance:
 - 3.1.1 Chapter [4]; First Statutory Consultation → HSE was consulted on relevant aspects of the Application as defined by ABP as part of ABP's statutory obligations.
 - 3.1.2 Chapter [5]; Second Statutory Consultation → HSE was consulted on relevant aspects of the Application as defined by ABP as part of ABP's statutory obligations.
 - 3.1.3 Chapter [6]; Hazardous Substance Consent → an application for Hazardous Substance Consent was submitted to North East Lincolnshire Council ("NELC"), acting as the Hazardous Substances Authority, on 30 March 2023, the HSE was consulted as part of this process.
- 3.2 Table 3-1 contains a list of 'matters agreed' (shaded green); a list of matters in respect of which discussion is ongoing (shaded orange) and a list of matters not agreed (shaded red) at the date of the Examination along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable). Table 3-1 list matters in the context of the planning system though other matters relating to health and safety legislation have been discussed with the HSE.

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Table 3-1: List of Planning Matters Agreed, Matters Outstanding and Matters Not Agreed

| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|----------------------------------|-------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|------|
| General <u>Engagement</u> | | | | | | | |
| G1 | Stakeholder Engagement | <u>Consultation Report [APP-022]</u> | HSE <u>accepts</u> ABP's record of engagement as set out in the Consultation Report [APP-022] and Table 2-1 of this SoCG is accurate. | ABP confirms the record of engagement as set out in the Consultation Report and Table 2-1 of this SoCG is accurate. | As per ABP position. | Discussion ongoing | |
| G2 | Stakeholder Engagement: Statutory Consultations | <u>Consultation Report [APP-022]</u> | | ABP's response to the HSE feedback on the First and Second Statutory Consultations is presented in Appendix P of the Consultation Report. ABP's responses were informed by ongoing engagement with the HSE as detailed in Table 2-1 of this SoCG. | As per ABP position. | Discussion ongoing | |

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| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------|
| G3 | Stakeholder Engagement: No objection to principle of proposed development. | Relevant Representation <u>[RR-011]</u> section | The HSE has no objection to the principle of the proposed development, as submitted <u>in the context of the Application for the DCO</u> . | ABP welcomes the HSE's position. | As per ABP position. | Agreed | <u>6 December 2023</u> |
| Land Use Planning <u>around Major Accident Hazard Sites and Major Accident Hazard Pipelines</u> | | | | | | | |
| L1 | Risk to Neighbouring Populations | 6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters <u>[APP-064]</u> 6.2 Environmental Statement - Chapter 3: Need and Alternatives <u>[APP-045]</u> Relevant Representation <u>[RR-011]</u> section 13 | Certain residential properties at Queens Road (1-5, 6-7 (upper floor flat), 8 (upper floor flat), 18 and 31) lie near the proposed hydrogen production facility on the West Site (the "Queens Road Properties"). HSE notes the position of Air Products as stated in the DCO application. | As per Air Products Position. | Air Products are seeking to acquire the Queens Road Properties through agreement and have acquired 1, 2, <u>6, 7-8, 18</u> and 31 Queens Road at the date of this [draft] SoCG. This is because these residential properties are expected to lie within the inner zone once HSE confirm the final land use planning zones for the hydrogen production facility in association with the application for | Discussion ongoing | |

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| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|----|--------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------|
| | | | <u>Please see L4. After L4 is complete, HSE will be able to advise which properties are incompatible with the proposal in the application and should be in-scope for considering compulsory purchase.</u> | | hazardous substances consent (see L3). Powers of compulsory acquisition are sought in the DCO. A requirement of the DCO is also proposed such that (a) prior to operation of the hydrogen production facility, Air Products will give notice to the local planning authority that it has taken possession of all the Queens Road Properties and will confirm that the residential use of the properties has ceased and (b) from the date of such notice, the properties will not be used for residential purposes for so long as any part of Work No. 7 is in operational use. Compliance with this requirement would address the non-tolerable risk to the | | |

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| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|----|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------|
| | | | | | identified neighbouring population. | | |
| L2 | Risk from Neighbouring Major Accident Hazard sites (e.g. Industrial and COMAH sites) | Relevant Representation [RR-011], section 2,8 6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters [APP-064] | This Nationally Significant Infrastructure Project falls into the consultation zone of several Major Accident Hazard Sites ['MAHS']. The operators of these sites should be consulted. | As per Air Products position. | Air Products agrees that the site boundary falls into the consultation zone of several Major Accident Hazard sites. Air Products and ABP have been in touch with neighbours and specifically operators of the identified MAH sites as part of the statutory consultation undertaken before submission of the DCO application. The existence of these sites has been taken into account in assessing the likely significant effects of the Project in relation to a possible major accident, as covered in ES Chapter 22 [APP-064]. The consultation is documented in the consultation report. Consultation with | Agreed | |

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| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|----|-------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|
| | | | | | neighbours will also continue as part of the COMAH process. Air Products and ABP have ongoing discussions with nearby COMAH sites where the potential for domino effect has been identified. | | |
| L3 | Risk from Major Accident Hazard pipelines | Relevant Representation [RR-011] sections 2,5 and 6 | <u>This Nationally Significant Infrastructure Project is close to consultation zones of a Major Accident Hazard Pipelines ['MAHP'].</u> <u>The operators of these pipelines should be consulted.</u> | <u>As per Air Products Position.</u> | <u>Air Products have been in dialogue with Cadent Gas about the protection required for the major accident hazard pipeline and the work that can be done in proximity to that pipeline. The parties have agreed that the pipeline can be safely maintained within the project area and will be addressed though appropriate protective provisions that are currently being negotiated</u> | | Discussion ongoing |

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| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
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| <u>L4</u> | Hazardous substance consent | Relevant Representation <u>[RR-011]</u> section 5 | <p>The HSE highlighted the need for hazardous substances consent ['HSC'] for the substances proposed to be stored.</p> <p>HSE has reviewed the Hazardous Substance consent Application DM/0088/23/HS - HSE and <u>accepted it as a valid application on the 22 November 2023 after revision. HSE has assigned this case to a specialist inspector on 21 March 2024 and commenced its public safety risk assessment; HSE estimates it may take up to 26 weeks to complete its assessments and provide advice to the Hazardous</u></p> | As per Air Products' Position. | The hazardous substance consent application was submitted to NELC by Air Products on 30 March 2023 and validated on 5 April 2023. Air Products received notification on 22 November 2023 that the HSE <u>have added this to their queue to conduct the</u> public safety risk assessment. | Discussion ongoing | |

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Immingham Green Energy Terminal
9.15 Draft Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and the Health and Safety Executive (Tracked)

| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------|
| | | | <p><u>Substances Authority.</u></p> <p>HSE advice will be used by NELC to take a decision on the hazardous substance consent. <u>If consent is granted, HSE will make the land use planning zones information available to NELC.</u></p> | | | | |
| COMAH | | | | | | | |
| <u>C1</u> | <u>COMAH establishment</u> | 6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters <u>[APP-064]</u> | <u>N/A</u> | As per Air Products position. | <u>Matters relating to safety will be addressed through COMAH / PSR will be covered under these regimes and do not need to be duplicated in the DCO.</u> | <u>Point of Note</u> | |
| <u>Pipeline Safety Regulations Notified</u> Major Accident hazard Pipelines | | | | | | | |

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- Deleted:** has added this application to their queue and HSE would allocate an assessor no earlier than 22/2/24.
- Deleted:** As set out in the relevant rep
- Deleted:** and to subsequently update the composite COMAH
- Deleted:** C1
- Deleted:** C2
- Deleted:** Application of
- Deleted:** HSE agrees that the development will be a higher tier COMAH site and has advised Air Products accordingly regarding the COMAH process.¶ CA aims to have communicated the conclusions from its examination of the safety report within 3 months from receipt, but this timescale may be adjusted to suit its complexity
- Deleted:** Discussion ongoing
- Deleted:** .
- Deleted:** The hydrogen production facility
- Deleted:** an "upper tier" facility pursuant to the
- Deleted:** Regulations. ¶ The facility
- Deleted:** constructed to meet "ALARP" requirements.¶ Air Products will submit a pre-construction safety report AP at end of March or 1st week in April 2024. Submission date nominally set for 5 April 2024.¶ These documents are confidential
- Deleted:** will
- Deleted:** [APP-064]¶ 6.2 Environmental Statement - Chapter 3: Need and Alternatives [APP-045]¶ Relevant Representation [RR-011] section 16, 17,18¶ COMAH pre construction safety report meeting.
- Deleted:** submitted to the examination of the Project.

Immingham Green Energy Terminal
9.15 Draft Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and the Health and Safety Executive (Tracked)

| ID | Matter | Reference | Health and Safety Executive Position | ABP Position | Air Product's Position | Status | Date |
|----|---------------------------------|------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------|
| P1 | Major accident hazard pipelines | <u>6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters [APP-064]</u> | N/A | As per Air Products Position. | <u>Matters relating to safety will be addressed through COMAH / PSR will be covered under these regimes and do not need to be duplicated in the DCO.</u> | Point of Note, | |

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Moved up [2]: This Nationally Significant Infrastructure Project is close to consultation zones of a Major Accident Hazard Pipelines [MAHP].

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Deleted: Air Products have been in dialogue with Cadent Gas about the major accident hazard pipeline and possible impacts arising from the Project. The parties have agreed that the pipeline can be safely maintained within the Project area and will be addressed through appropriate Protective Provisions in the draft DCO which are currently being negotiated. ¶

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4 Glossary

| Abbreviation / Acronym | Definition |
|------------------------|------------------------------------------------|
| ABP | Associated British Ports |
| ALARP | As low as reasonably practicable |
| COMAH | Control of Major Accident Hazards |
| DCO | Development Consent Order |
| EIA | Environmental Impact Assessment |
| ES | Environmental Statement |
| HSC | Hazardous Substances Consent |
| LUP | Land Use Planning zones |
| MAH | Major Accident Hazard |
| MAHS | Major Accident Hazard Site |
| MAHP | Major Accident Hazard Pipeline |
| MMO | Marine Management Organisation |
| NELC | North East Lincolnshire Council |
| NSIP | Nationally Significant Infrastructure Project |
| PA 2008 | Planning Act 2008 |
| PINS | Planning Inspectorate |
| SoCG | Statement of Common Ground |
| SoS | Secretary of State for Transport |
| UK | United Kingdom |

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